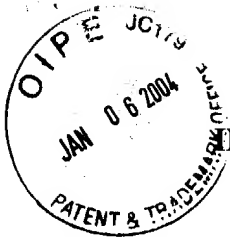


Boy Interference



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 07/996,771
Applicant : R. BRUCE WALLACE
Filed : December 24, 1992
TC/A.U. : To be assigned
Examiner : To be assigned

Docket No. : 2124-233
Customer No. : 06449
Confirmation No. :

**REQUEST FOR TRANSFER OF APPLICATION
TO TECHNOLOGY CENTER FOR RESUMPTION OF
EX PARTE PROSECUTION**

January 6, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant respectfully requests that the above-identified application, U.S. Application No. 07/996,771, be immediately transferred from the Board of Patent Appeals and Interferences to the appropriate Technology Center for resumption of *ex parte* prosecution. This application was involved in now-terminated Interference No. 103,420.

In connection with this Request, Applicant first directs attention to MPEP §2363, ("Action After Interference") which provides that, following termination of an interference, the involved files are to be returned to the Technology Center, and that "[j]urisdiction of the examiner is automatically restored with the return of the files, and the cases of all parties are subject to such *ex parte* action as their respective conditions may require." 37 C.F.R. 1.664(a), provides, in pertinent part: "After termination of an interference, the examiner will promptly take such action in any application previously involved in the interference as may be necessary." (Emphasis added).

The parties to the interference in which the subject application was involved filed with the Board on July 8, 2003:

- (1) Submission of Court Order Dismissing with Prejudice Action Pursuant to 35 U.S.C. § 146 in Favor of Party Wallace and Request Pursuant to 37 C.F.R. § 1.664 for Action After Interference Consistent with the Board's Final Decision; and
- (2) Joint Submission of Interference Settlement Agreement Pursuant to 37 C.F.R. § 1.666.

In view of the foregoing, Applicant respectfully requests that U.S. Application No. 07/996,771 now be immediately returned to the appropriate Technology Center so that *ex parte* examination can be resumed promptly in accordance with the above procedure and applicable rule. Such prompt resumption of *ex parte* action is particularly urged in light of the fact that the instant application is the subject of a licensing agreement in which royalty payment obligations are impacted by patent issuance. Thus, additional delay in the resumption of *ex parte* prosecution continues to cause substantial harm to the Assignee, City of Hope, which is a non-profit organization that provides significant care to low income patients for the treatment of cancer, diabetes, HIV/AIDS, and other life-threatening diseases.

January 6, 2004

Respectfully submitted,

By 

E. Anthony Figg, Reg. No. 27,195
Martin M. Zoltick, Reg. No. 35,745
Attorneys for Applicant
ROTHWELL, FIGG, ERNST & MANBECK
Suite 800, 1425 K Street, N.W.
Washington, D.C. 20005
Telephone: (202)783-6040